



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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June 20, 2013

City Neon, Inc.
c/o Rudey Hoffert
P.O. Box 40
Morgantown, WV 26505

**RE: V13-16 / Joe Mama's / 345 High Street
Tax Map 26A, Parcel 105**

Dear Mr. Hoffert,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1369.07(G) as it relates to suspended signs at 345 High Street.

The decision is as follows:

Board of Zoning Appeals, June 19, 2013:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved a 6.5 square foot variance from the maximum suspended sign standard provided under Article 1369.07(G)(1) with the following conditions:
 - a) That any and all nonconforming signs relating to the *petitioner's* establishment at the subject site must be removed prior to the erection of the subject suspended sign for which variance relief is granted herein.
 - b) That no additional signage, including wall signage, may be erected at the subject site relating to the petitioner's establishment.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that it has been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that sign and building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar
Executive Secretary

ADDENDUM A – Approved Findings of Fact

V13-16 / Joe Mama's / 345 High Street

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The building is three (3) stories tall and all three stories are occupied by the same business eliminating the need for any additional tenant signage on the subject building, which is a unique land use characteristic in the downtown. The proposed suspended sign appears to be in fitting scale to the size of the building and neighboring suspended signage. The previous “De Lazy Lizard” establishment located at the subject site enjoyed a suspended sign that was 12'H X 1'W for an area of 12 square foot. The Board's condition restricting any additional signage at the subject site relating to the petitioner's establishment serves to reduce excessive signage on the subject building.

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

The “WCLG” suspended sign on the adjoining building is approximately 15'H X 3'W for an approximate area of 45 square feet, which is approximately 32.5 square feet larger than the proposed “Joe Mama's” suspended sign. For contextual purposes, the neighboring City's banner signs are approximately 8'H X 2.5'W for an area of 20 square feet. There appears to be a number of non-conforming wall and suspended signs along High Street that exceed maximum area standards. Additionally, the Board has granted relief from maximum sign area standards along High Street.



Finding of Fact No. 3 – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

ADDENDUM A – Approved Findings of Fact

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The proposed suspended sign appears to be consistent with the adjoining "WCLG" suspended sign and the nearby City banner signs, which do not appear to appear to be a detriment.

Finding of Fact No. 4 – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The nature of the variance relief requested cannot contribute to nor mitigate existing traffic congestion and will not alter the existing land use characteristics of the commercial building or downtown commercial district.